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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			LAZARO, DAVID R	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/015,708

Applicant(s)

ZHAO ET AL.

Examiner

David Lazaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This office action is in response to the amendment filed 03/20/06.
2. No claims were amended.
3. Claims 1-23 are pending in this office action.

### ***Response to Amendment***

4. Applicant's arguments filed 03/20/06 have been fully considered but they are not persuasive. See Response to Arguments. Accordingly, the grounds of rejection as presented in the 12/21/05 office action are respectfully maintained.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 4-7, 9-12, 14-19 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,643,650 by Slaughter et al. (Slaughter) in view of "UDDI Technical White Paper" September 6, 2000, from uddi.org (UDDI-WP) and U.S. Patent 6,571,277 by Daniels-Barnes et al. (Daniels-Barnes).

7. With respect to Claim 1, Slaughter teaches a method for obtaining business service information over the Internet (Col. 8 lines 43-67), the method comprising:

at least one service provider registering a business (Col. 1 lines 46-61 and Col. 78 lines 36-44) service with a server and storing the same in a database (Col. 45 lines 21-49);

a user requesting a business service from the server (Col. 46 lines 46-63 and Col. 48 lines 44-59);

initially searching the database for the requested service (Col. 46 line 64 - Col. 47 line 38);

updating the database (Col. 48 line 44 - Col. 49 line 27);

subsequently searching the updated database for the requested service (Col. 49 lines 3-14 and Col. 47 lines 13-38); and

notifying the user of the results of the subsequent search (Col. 49 lines 3-14 and Col. 47 lines 39-58).

Slaughter further indicates the initial search may determine that the service may not be found in the database (Col. 47 lines 13-45 - results may include zero or more documents that match the search request).

Slaughter does not explicitly disclose the server is a UDDI server. UDDI-WP teaches a UDDI server can be used for registering services and providing a business registry for locating the registered services (Page 2, "UDDI business registrations..." and "Using UDDI"). Use of UDDI provides for a uniform service description format and service discovery (Page 3, Fig. 1).

Slaughter does not explicitly disclose the subsequent searching is responsive to the initial search determining that the service was not found in the database. Daniels-Barnes teaches that in response to a determination of a user requested service being unavailable, the user will be subsequently notified when the service becomes available (Col. 6 lines 24-35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Slaughter and modify it as indicated by UDDI-WP such that the server is a UDDI server; and subsequently searching the updated database for the requested service in response to the initial search of the data base determining that the service is either not found in the database or the service is found but is not available; and notifying the user of the results of the subsequent search. One would be motivated to have this, as there is need for locating information about available services and providing uniform standards for such information (In UDDI-WP: Pages 2 and 3, "Overview" and "Background"). Furthermore, incorporating the teachings of Daniels-Barnes provides the advantage of improved provisioning of services to users in a distributed environment (In Daniels-Barnes: Col. 2 lines 56-58 and Col. 6 lines 24-35).

8. With respect to Claim 2, Slaughter further teaches notifying the user of the results of the initial search (In Slaughter: Col. 49 lines 3-14 and Col. 47 lines 39-58).

9. With respect to Claim 4, Slaughter further teaches the registering further comprises registering a corresponding service status for the service, and if the requested service is found in the database from either the initial or the subsequent

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search, the corresponding notifying comprises informing the user of the corresponding service status of the requested service (In Slaughter: Col. 49 lines 3-14).

10. With respect to Claim 5, Slaughter further teaches if the requested service is not found in the database from either the initial or the subsequent search, the corresponding notifying comprises informing the user that the requested service is not registered with the server (In Slaughter: Col. 49 lines 3-14 and Col. 47 lines 39-58).

11. With respect to Claim 6, Slaughter further teaches storing the request for the service in the database for subsequent search (In Slaughter: Col. 48 line 44 - Col. 49 line 27).

12. With respect to Claim 7, Slaughter further teaches notifying the user that the service request has been stored (In Slaughter: Col. 22 lines 28-37 and Col. 48 lines 51-59).

13. With respect to Claim 9, Slaughter further teaches the registering further comprises registering a corresponding service status for the service, and if the requested service is found on the UDDI server in the initial search and the service status indicates that the service is available, the corresponding notifying of the initial search results comprises informing the user that the requested service is available (In Slaughter: Col. 49 lines 3-14 and Col. 47 lines 39-58) *and note* (In UDDI-WP: Page 2, "UDDI business registrations..." and "Using UDDI").

14. With respect to Claim 10, Slaughter further teaches the registering further comprises registering a corresponding service status for the service, and if the requested service is found on the UDDI server in the initial search and the service

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status indicates that the service is unavailable, the corresponding notifying of the initial search results comprises informing the user that the requested service is unavailable (In Slaughter: Col. 49 lines 3-14 and Col. 47 lines 39-58) *and note* (In UDDI-WP: Page 2, "UDDI business registrations..." and "Using UDDI").

15. With respect to Claim 11, Slaughter further teaches storing the request for the service in the database (In Slaughter: Col. 48 line 44 - Col. 49 line 27).

16. With respect to Claim 12, Slaughter further teaches notifying the user that the service request has been stored (In Slaughter: Col. 22 lines 28-37 and Col. 48 lines 51-59).

17. With respect to Claim 14, Slaughter further teaches the registering further comprises registering a corresponding service status for the service, and if the requested service is not found on the UDDI server in the initial search but found in the subsequent search and the service status indicates that the service is available, the notifying of the subsequent search results comprises informing the user that the requested service has been found in a subsequent search and is available (In Slaughter: Col. 49 lines 3-14 and Col. 47 lines 39-58) *and note* (In UDDI-WP: Page 2, "UDDI business registrations..." and "Using UDDI").

18. With respect to Claim 15, Slaughter further teaches the registering further comprises registering a corresponding service status for the service, and if the requested service is not found on the UDDI server in the initial search but found in the subsequent search and the service status indicates that the service is unavailable, the notifying of the subsequent search results comprises informing the user that the

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requested service has been found in a subsequent search and is unavailable (In Slaughter: Col. 49 lines 3-14 and Col. 47 lines 39-58) *and note* (In UDDI-WP: Page 2, "UDDI business registrations..." and "Using UDDI").

19. With respect to Claim 16, Slaughter further teaches the updating comprises permitting at least one additional service provider to register with the UDDI server (In Slaughter: Col. 48 line 44 - Col. 49 line 27).

20. With respect to Claim 17, Slaughter further teaches the registering further comprises registering a corresponding service status for the service and the updating comprises permitting the at least one registered service provider to change the corresponding service status (In Slaughter: Col. 45 lines 21-49 and Col. 49 lines 3-14).

21. With respect to Claim 18, Slaughter teaches a system for obtaining business service information over the Internet (Col. 8 lines 43-67), the system comprising:

a server having a memory operatively connected thereto for storing a database of services by service providers (Col. 45 lines 21-49);

means for receiving a request for a business (Col. 1 lines 46-61 and Col. 78 lines 36-44) service by a user (Col. 46 lines 46-63 and Col. 48 lines 44-59);

means for initially searching the database for the service request (Col. 46 line 64 - Col. 47 line 38);

means for updating the database (Col. 48 line 44 - Col. 49 line 27); means for subsequently searching the updated database for the requested service (Col. 49 lines 3-14 and Col. 47 lines 13-38); and



means for notifying the user of the results of the subsequent search (Col. 49 lines 3-14 and Col. 47 lines 39-58).

Slaughter further indicates the initial search may determine that the service may not be found in the database (Col. 47 lines 13-45 - results may include zero or more documents that match the search request).

Slaughter does not explicitly disclose the server is a UDDI server. UDDI-WP teaches a UDDI server can be used for registering services and providing a business registry for locating the registered services (Page 2, "UDDI business registrations..." and "Using UDDI"). Use of UDDI provides for a uniform service description format and service discovery (Page 3, Fig. 1).

Slaughter does not explicitly disclose the subsequent searching is responsive to the initial search determining that the service was not found in the database. Daniels-Barnes teaches that in response to a determination of a user requested service being unavailable, the user will be subsequently notified when the service becomes available (Col. 6 lines 24-35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Slaughter and modify it as indicated by UDDI-WP such that the server is a UDDI server; and means for subsequently searching the updated database for the requested service in response to the initial search of the data base determining that the service is either not found in the database or the service is found but is not available; and means for notifying the user of the results of the subsequent search. One would be motivated to have this, as there is

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need for locating information about available services and providing uniform standards for such information (In UDDI-WP: Pages 2 and 3, "Overview" and "Background").

Furthermore, incorporating the teachings of Daniels-Barnes provides the advantage of improved provisioning of services to users in a distributed environment (In Daniels-Barnes: Col. 2 lines 56-58 and Col. 6 lines 24-35).

22. With respect to Claim 19, Slaughter further teaches means for notifying the user of the results of the initial search (Col. 49 lines 3-14 and Col. 47 lines 39-58).

23. With respect to Claim 21, Slaughter further teaches a memory for storing the request if the requested service is not found in the database in the initial search (Col. 48 line 44 - Col. 49 line 27).

24. With respect to Claim 22, Slaughter further teaches the means for updating comprises means for permitting at least one additional service provider to register with the UDDI server (Col. 48 line 44 - Col. 49 line 27).

25. With respect to Claim 23, Slaughter further teaches the at least one service provider further registers a corresponding service status for the service and the means for updating comprises means for permitting the at least one registered service provider to change the corresponding service status (Col. 45 lines 21-49 and Col. 49 lines 3-14).

26. Claims 3, 8, 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slaughter in view of UDDI-WP and Daniels-Barnes and U.S. Patent 5,974,406 by Bisdikian et al. (Bisdikian).

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27. With respect to Claim 3, Slaughter in view of UDDI-WP and Daniels-Barnes teaches all the limitations of Claim 1 but does not explicitly teach either of the notifying comprises sending an e-mail to the user. Bisdikian teaches notification of updated search results can comprise sending an e-mail to the interested user (Col. 3 lines 34-40 and Col. 5 line 54-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Slaughter in view of UDDI-WP and Daniels-Barnes and modify it as indicated by Bisdikian such that either of the notifying comprises sending an e-mail to the user. One would be motivated to have this, as it is desirable to not have the user be burdened with repeatedly checking for new or updated search results (Col. 2 lines 1-10 of Bisdikian).

28. With respect to Claim 8, Slaughter in view of UDDI-WP and Daniels-Barnes teaches all the limitations of Claim 7 but does not explicitly teach the notifying that the service request has been stored comprises sending an e-mail to the user indicating the storage of the service request. Bisdikian teaches notification of a service can comprise sending an e-mail to the user (Col. 3 lines 34-40 and Col. 5 line 54-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Slaughter in view of UDDI-WP and Daniels-Barnes and modify it as indicated by Bisdikian such that the notifying that the service request has been stored comprises sending an e-mail to the user indicating the storage of the service request. One would be motivated to have this, as it is desirable

to give the user notification instead of requiring the user to determine the information on their own (Col. 2 lines 1-10 of Bisdikian).

29. With respect to Claim 13, Slaughter in view of UDDI-WP and Daniels-Barnes teaches all the limitations of Claim 12 but does not explicitly teach the notifying that the service request has been stored comprises sending an e-mail to the user indicating the storage of the service request. Bisdikian teaches notification of a service can comprise sending an e-mail to the user (Col. 3 lines 34-40 and Col. 5 line 54-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Slaughter in view of UDDI-WP and Daniels-Barnes and modify it as indicated by Bisdikian such that the notifying that the service request has been stored comprises sending an e-mail to the user indicating the storage of the service request. One would be motivated to have this, as it is desirable to give the user notification instead of requiring the user to determine the information on their own (Col. 2 lines 1-10 of Bisdikian).

30. With respect to Claim 20, Slaughter in view of UDDI-WP and Daniels-Barnes teaches all the limitations of Claim 19 but does not explicitly teach either of the means for notifying comprises means for generating an e-mail and transmitting the same to the user. Bisdikian teaches notification of updated search results can comprise sending an e-mail to the interested user (Col. 3 lines 34-40 and Col. 5 line 54-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Slaughter in view of UDDI-WP and Daniels-Barnes and modify it as indicated by Bisdikian such that either of the means for

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notifying comprises means for generating an e-mail and transmitting the same to the user. One would be motivated to have this, as it is desirable to not have the user be burdened with repeatedly checking for new or updated search results (Col. 2 lines 1-10 of Bisdikian).

### ***Response to Arguments***

31. Applicant's arguments filed 03/20/06 have been fully considered but they are not persuasive.

32. Applicants argue on pages 7-8 of the remarks - "Applicants submits that, contrary to the Examiner's assertion, Slaughter does not teach a "service provider registering a service" with a server and "storing the same in a database"....Applicant submits that leasing space for publishing information in an XML document repository is different from registering a service with a server."

a. Examiner's response - Col. 45 lines 34-35 explicitly states, "Service providers may register their services in various spaces." The examiner does not see how that cannot be interpreted as the "service provider registering a service". The examiner considers the space itself to be a database with both transient and persistent storage of service data.

33. Applicants argue on page 8 of the remarks - "Moreover, as admitted by the Examiner, Slaughter does not teach a server being a UDDI server, as set forth in claim

1. For the same reason, Slaughter does not teach "a user requesting a service from the UDDI server."

b. Examiners' response - The examiner does not see the relevance of these remarks in relation to the given arguments. The rejection makes it quite clear that Slaughter does not explicitly disclose the server being a UDDI server and that the limitation of "a user requesting a service from the UDDI server" is rendered obvious based on the combination of references. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

34. Applicants argue on page 8 of the remarks - "Applicant submits that, contrary to the Examiner's assertion, Slaughter does not teach the successive steps of: initially searching a database, updating the database, subsequently searching the updated database, and notifying the user of the results of the subsequent search... The notification described by Slaughter is not the result of a subsequent search triggered by an initial, unsuccessful search, but instead requires a dedicated subscription by the user."

c. Examiner's response - The key feature of Slaughter to note is that the notification method uses queries that are "the same as or similar to that of the service look up facility" (Col. 49 lines 3-14). As such, a query to the notification

query provides the initial search dictated by the service look up facility as described in Col. 46, line 64, through Col. 47, line 38. An initial search may determine that the service may not be found in the database (Col. 47 lines 13-45). The database can be updated (Col. 48 lines 44-50) which can include the insertion, removal, and/or updating of services (Col. 49 lines 38-50). The notification method provides for subsequent searching upon the updating of the database which provides a search query and results in the same or similar manner as the service look up facility described in Col. 46, line 64, through Col. 47, line 38. The examiner considers such teachings to be sufficient in teaching the limitations related to "initially searching a database, updating the database, subsequently searching the updated database, and notifying the user of the results of the subsequent search". Applicants have not provided sufficient reasoning as to why the claim language is necessarily distinguished from the notification/subscription described by Slaughter. As supported by the teachings discussed above, the notification/subscription described by Slaughter includes the features of the claimed subject matter.

d. Additionally, the transitional phrase "comprising" is used. As such, the claim is inclusive or open-ended and does not exclude additional, unrecited elements or method steps (MPEP 2111.03).

35. Applicants argue on page 8 of the remarks - "Moreover, as admitted by the Examiner, Slaughter does not teach that the subsequent search is done in response to

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the initial search determining that the service is either not found in the database or the service is found but is not available, as set forth in claim 1.”

e. Examiner’s response - The examiner does not see the relevance of these remarks in relation to the given arguments. The rejection makes it quite clear that Slaughter does not explicitly disclose that the subsequent search is responsive to the initial search determining that the service was not found in the database and that this limitation is rendered obvious based on a combination of references. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

36. Applicants argue on page 8 of the remarks - “However, Daniels-Barnes is silent on a subsequent search being responsive to an initial search determining that the service was not found in the database.”

f. Examiner’s response - Col. 6 lines 24-35 describes that a user may request a service and that this service may be determined to be unavailable. The examiner considers this to be within the scope of an “initial search determining that the service was not found in the database”. Col. 6, lines 24-35, also describes sending the same user a message when the requested service becomes available. The examiner considers this to be within the scope of “a subsequent search being responsive” to the initial search above.



***Conclusion***

37. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Lazaro  
June 05, 2006



**SALEH NAJJAR**  
**SUPERVISORY PATENT EXAMINER**